



I hereby Certify that this Correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on July 25, 2001.

Barbara Haggerty

Barbara Haggerty  
Signature

July 25, 2001

Date of Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Gan et al.

Serial No.: 09/859,558

Filed: May 17, 2001

For: Control Of Cell Swelling By The Proper Choice Of Carbon Monoxide (CF<sub>x</sub>) Cathode Materials On High Rate Defibrillator Cells

**RESPONSE**

Assistant Commissioner for Patents  
Attention: Box Missing Parts  
Washington, D.C. 20231

Sir:

Responsive To the Notice To File Missing Parts Of Application dated July 17, 2001 (copy enclosed), herewith is the executed Oath and Declaration. Enclosed is a payment of the \$130.00 surcharge. If underpayment or overpayment has been made, please charge to Deposit Account No. 08-2442.

Respectfully submitted,

HODGSON RUSS LLP

By

  
Michael F. Scalise  
Reg. No. 34,920

One M&T Plaza, Suite 2000  
Buffalo, New York 14203-2391  
(716) 856-4000  
DATED: July 25, 2001

**FEE TRANSMITTAL**  
**for FY 2001**

Patent Fees are subject to annual revision.



Application Number	09/859,558	
Filing Date	05/17/2001	
First Named Inventor	Gan et al.	
Examiner Name		
Group/Art Unit		
<b>TOTAL AMOUNT OF PAYMENT</b>	<b>(\$130.00)</b>	
	Attorney Docket Number	04645.0734

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:**3. ADDITIONAL FEES**

Deposit Account Number: <u>08-2442</u>	Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	
Deposit Account Name: Hodgson Russ LLP							
<input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17	105	130	205	65	Surcharge - late filing fee or oath	\$130	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.	127	50	227	25	Surcharge - late provisional filing fee or cover sheet	\$	
<b>2. Payment Enclosed:</b>							
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other	139	130	139	130	Non-English specification	\$	
<b>FEE CALCULATION</b>	147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	\$	
<b>1. BASIC FILING FEE</b>							
Large Entity Small Entity	112	920*	112	920*	Requesting Publication of SIR prior to Examiner Action	\$	
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid	113	1,840*	Requesting Publication of SIR after Examiner Action	\$
101 710 201 355 Utility filing fee	\$		115	110	215 55	Extension for reply within first month	\$
106 320 206 160 Design filing fee	\$		116	390	216 195	Extension for reply within second month	\$
107 490 207 245 Plant filing fee	\$		117	890	217 445	Extension for reply within third month	\$
108 710 208 355 Reissue filing fee	\$		118	1,390	218 695	Extension for reply within fourth month	\$
114 150 214 75 Provisional filing fee	\$		128	1,890	228 945	Extension for reply within fifth month	\$
<b>SUBTOTAL (1)</b>	\$0	119	310	219	155	Notice of Appeal	\$
<b>2. EXTRA CLAIM FEES</b>	Extra Fee from Claims below	Fee Paid	120	310	220 155	Filing a brief in support of an appeal	\$
Total Claims / / -20** = / / x / / =	\$	121	270	221	135	Request for oral hearing	\$
Independent Claims / / - 3** = / / x / / =	\$	138	1,510	138	1,510	Petition to institute a public use proceeding	\$
Multiple dependent / / x / / =	\$	140	110	240	55	Petition to revive - unavoidable	\$
Large Entity Small Entity	141	1,240	241	620	Petition to revive - unintentional	\$	
Fee Code (\$)	Fee Code (\$)	Fee Description	142	1,240	242 620	10 advance copies Utility issue fee (or reissue)	\$
103 18 203 9 Claims in excess of 20		143	440	243	220	Design issue fee	\$
102 80 202 40 Independent claims in excess of 3		144	600	244	300	Plant issue fee	\$
104 270 204 135 Multiple dependent claim if not paid		122	130	122	130	Petitions to the Commissioner	\$
109 80 209 40 **Reissue independent claims over original patent		123	50	123	50	Processing fee under 37 CFR 1.17(q)	\$
110 18 210 9 **Reissue claims in excess of 20 and over original patent		126	180	126	180	Submission of Information Disclosure Statement	\$
<b>SUBTOTAL (2)</b>	\$0	581	40	581	40	Recording each patent assignment per property (times number of properties)	\$
<b>SIGNATURE:</b> <i>Michael Scalise</i>	146	710	246	355	Filing a submission after final rejection(37 CFR 1.129(a))	\$	
Michael F. Scalise Reg. No. 34,920	149	710	249	355	For each add'l invention to be examined(37 CFR 1.129(b))	\$	
DATE: July 25, 2001 Telephone: (716) 848-1258	179	710	279	355	Request For Continued Examination (RCE)	\$	
	169	900	169	900	Request for Expedited Examination of a design appln.	\$	
<b>*Reduced by basic filing fee paid</b>					<b>SUBTOTAL (3)</b>	<b>\$130</b>	

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Barbara Haggerty

*Barbara Haggerty*

Name

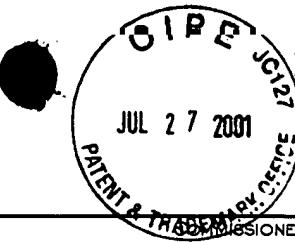
July 25, 2001

Date of Signature

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UNITED STATES PATENT AND TRADEMARK OFFICE



Page 1 of 1

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/859,558	05/17/2001	Hong Gan	04645.0734

CONFIRMATION NO. 4108

FORMALITIES LETTER



\*OC00000006305279\*

Michael F. Scalise  
Hodgson Russ LLP  
One M&T Plaza, Suite 2000  
Buffalo, NY 14203-2391

Date Mailed: 07/17/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

H-T

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

07/31/2001 FFANAEIA 00000039 09859558

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